

http://www.cleveland.com/metro/index.ssf/2016/10/new_ohio_law_requires_mapping.html

New Ohio law requires mapping of lead pipes in water systems' service areas; stricter federal laws expected in 2017

By [[HYPERLINK "http://connect.cleveland.com/staff/jmccarty/posts.html"](http://connect.cleveland.com/staff/jmccarty/posts.html)]The Plain Dealer

updated October 12, 2016 at 5:46 AM

CLEVELAND, Ohio – In the aftermath of the lead crises last year in Flint, Mich., and the Mahoning County village of Sebring in January, state environmental officials knew they needed to take immediate preventive action.

Flint and Sebring "had really shaken the public's trust," said Ohio EPA Director Craig Butler. "People should not have to be concerned about drinking their tap water."

The U.S. EPA was in the process of reviewing federal lead laws, but no changes were expected for a year or two, said Ohio EPA spokeswoman Heidi Griesmer.

"Which was one of the main reasons we pushed for House Bill 512," Griesmer said.

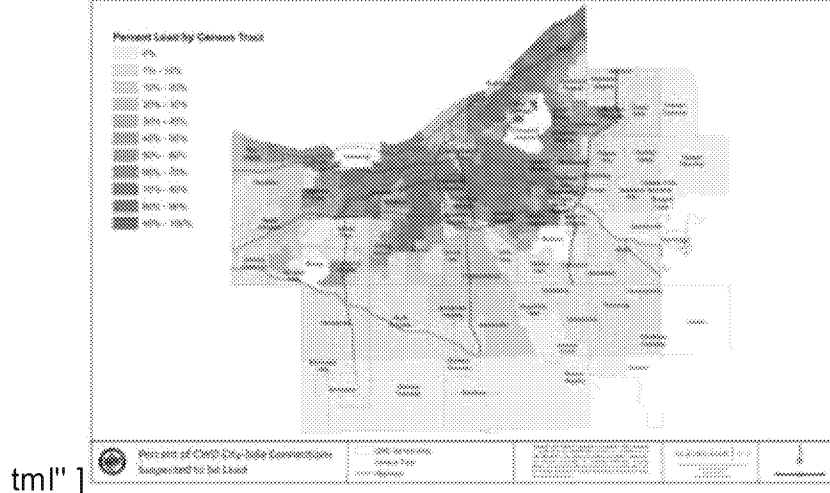
In June, Governor Kasich signed the legislation, which instituted a series of new restrictions on lead in the state's drinking water. The changes involved accelerated notifications of residents whose homes were detected with lead in the drinking water, and a requirement that every public water system in the state identify and map the locations of lead piping in their entire service areas.

"The mapping provides a great piece of information for homeowners to know," Butler said. "It's also a great way for cities and municipalities to target their resources for point-of-use filtration or lead line replacement, and it lets the water systems target where those lines are in cases of lead exceedence."

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Information on nearly 420,000 addresses Cleveland Water serves as well as maps that show the percentages of service pipes that are "likely to be lead" are now available.

If the water system's corrosion control treatments are correct, the pipes should be protected from leaching lead into the water – such as occurred in Flint -- and there should be no reason for immediate replacement, Griesmer said.

But if the water system needs to identify the parts of its service area that are at risk of lead contamination, and structures that need to be tested, the mapping will help to identify where the lead pipes are, Griesmer said.

The deadline for completion of the mapping requirement is March 2017. Some water systems, such as Cleveland's, have already finished mapping the underground piping in their service areas. The new law requires every water system to update the maps every five years.

"The bill is the most significant effort in the country to address lead contamination in our drinking water," said Melanie Houston, the Ohio Environmental Council's director of oil and gas.

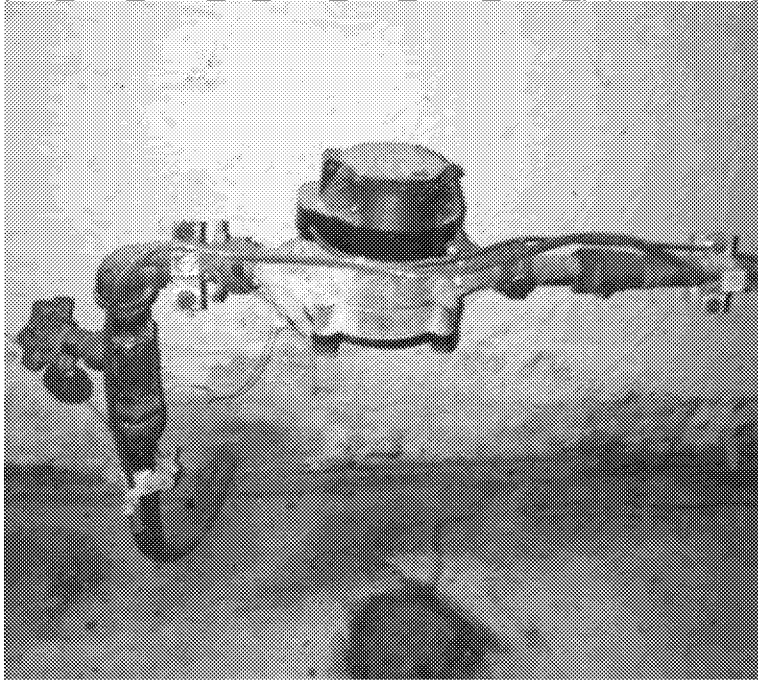
The Ohio EPA acknowledges that locating and, in some cases, replacing lead service pipes in the water infrastructure can be difficult and costly because they are buried, and there is no reliable method to identify them except for direct observation.

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The public water systems can track the pipes by researching permit records, water main breaks, maintenance work records, and other instances when the pipes were exposed and observed.

[HYPERLINK

"http://www.cleveland.com/metro/index.ssf/2016/10/simple_and_cheap_precautions_you_can_take_to_limit_risk_from_lead_pipes.html"]



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"http://www.cleveland.com/metro/index.ssf/2016/10/simple_and_cheap_precautions_you_can_take_to_limit_risk_from_lead_pipes.html"]

Water service pipes installed before 1954 and home plumbing fixtures and faucets are known to contain lead. Precautions are taken to prevent lead from leaching into the system. Here's what you can do in your home.

The water system records do not, however, identify which houses or buildings contain lead service lines. The water systems own the service lines to the home's property line, but the property owner owns the pipes from the property line to his or her home.

The water systems are being encouraged to educate homeowners on how to identify lead pipes in their residences, such as using the "scratch test."

Since 1986, the Safe Drinking Water Act has prohibited the use of lead pipes and lead solder. Many cities prohibited lead pipes prior to that. The law does not cover the use of lead pipes for non-drinkable water, such as industry, toilets, showers, and fire hydrants.

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The U.S. EPA, meanwhile, is considering "making substantive changes" to its Lead and Copper Rules, said Anne Rowan, a spokeswoman at the agency's District 5 office in Chicago.

The rule revisions are intended to improve the effectiveness of the corrosion control treatment in reducing exposure to lead and copper, and to trigger additional actions to reduce the public's exposure to lead and copper when corrosion control treatment alone is not effective, she said.

The revisions are based on recommendations from EPA's National Drinking Water Advisory Council in the aftermath of the Flint water crisis. The proposed changes are expected to be ready for public comment sometime next year, she said.

[HYPERLINK "http://fox11online.com/news/local/green-bay/some-claims-settled-in-fox-river-cleanup-legal-battle"]

Some claims settled in Fox River cleanup legal battle

by Fox 11 News

Wednesday, October 12th 2016

GREEN BAY (WLUK) - The on-going legal battle regarding who will pay for Fox River cleanup has gotten a bit simpler.

Appvion, the state of Wisconsin and the federal government have eliminated claims against each other, according to the [HYPERLINK "http://fox11digital.com/news/PDFs/NCR-decision.pdf" \t "_blank"].

However, NCR Corporation, Georgia-Pacific Consumer Products LP, and P.H. Glatfelter Company must continue and complete the cleanup ongoing work in the Fox River under a set of prior court rulings, according to Wyn Hornbuckle, spokesman for the U.S. Dept. of Justice.

The United States and the State will continue their lawsuit against NCR and Glatfelter for recovery of unreimbursed cleanup planning and cleanup oversight costs paid by EPA and Wisconsin DNR. Georgia-Pacific and other parties settled with the government and paid their share of those costs.

Although Appvion will no longer be litigating with the governments, Appvion and NCR are still pursuing their own separate lawsuit against Georgia-Pacific, Glatfelter, and others to have a judge divide up the total costs among the parties that caused the PCB contamination. The United States is not involved in that lawsuit, Hornbuckle said.

A March 27 trial is scheduled.

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[[HYPERLINK "http://www.wpr.org/epa-review-dnr-water-quality-enforcement"](http://www.wpr.org/epa-review-dnr-water-quality-enforcement)]

EPA To Review DNR Water Quality Enforcement

Regulators Plan Visit To Madison Headquarters This Week

Tuesday, October 11, 2016, 10:10am

By The Associated Press

Federal regulators plan to visit the Wisconsin Department of Natural Resources headquarters this week to investigate claims the agency is failing to enforce water pollution laws and regulations.

Midwest Environmental Advocates and 16 individuals petitioned the U.S. Environmental Protection Agency to review water regulations in the state to ensure the DNR is complying with the Clean Water Act. The EPA in 2011 cited 75 deficiencies in how DNR handles water regulation.

The Wisconsin State Journal reports four EPA regulators plan to spend four days this week at DNR headquarters in Madison paging through the agency's water pollution files beginning Tuesday. The review could result in the EPA stripping the state's authority to enforce federal regulations.

DNR spokesman Jim Dick called the review standard procedure.

[[HYPERLINK "http://www.batesvilleheraldtribune.com/news/local_news/watershed-plan-approved-by-epa/article_6a067dad-43a9-51a0-8f78-a73be350d1f2.html"](http://www.batesvilleheraldtribune.com/news/local_news/watershed-plan-approved-by-epa/article_6a067dad-43a9-51a0-8f78-a73be350d1f2.html)]

Watershed plan approved by EPA

- Debbie Blank The Herald-Tribune
- Oct 10, 2016

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BROOKVILLE – Tristate residents “just love the Whitewater River. It’s a favorite place for canoeing and kayaking. It draws in people from Ohio and Indiana,” pointed out Heather Wirth at an Oct. 4 public meeting about the Whitewater River Watershed Project, which aims to improve the water quality.

The project’s technical coordinator explained, “Our project area is actually the southernmost point” of the watershed. Of the four counties it covers, Franklin and Dearborn in Indiana and Hamilton and Butler in Ohio, Franklin County has the most

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area, a little over 87,313 acres. The mostly rural region does have a couple of urban areas – Bright, St. Leon, West Harrison and Harrison.

Many of the watershed's streams had impairments listed by the Indiana Department of Environmental Management, which is what prompted the project. The Dearborn County Soil and Water Conservation District initiated its beginning in 2012 with the support of districts in the other three counties.

A grant application was submitted and approved by IDEM. The \$158,469 grant award with a \$105,656 in-kind match was for conducting water monitoring and planning public outreach. Two part-time coordinators were hired in late January 2014. Wirth is still on the job, but the other coordinator left.

According to her, "The project is guided by a steering committee made up of landowners, concerned citizens and organization representatives The steering committee worked very hard over the last two and a half years."

Monthly water samples were taken at 17 sites for both chemical and biological testing between November 2013 and October 2014. IDEM workers completed the testing of water from 13 Hoosier sites and watershed project personnel analyzed water at four Ohio sites.

The committee also conducted a windshield survey. "We drove around and documented any type of resource concern or problem area we could find" and 404 areas were identified. The most common problems: stream bank erosion, 86 areas; gully, 68; overgrazed pasture, 60; animal access to streams, 49; and heavy tillage, 23.

They found inadequate riparian buffers (a vegetated area near a stream, usually forested, which helps shade and partially protect a stream from the impact of adjacent land uses) in many areas, including 7.2 miles of Big Cedar Creek and 5.9 miles of Blue Creek.

The technical coordinator observed the fish community was evaluated only on the Indiana side due to a lack of funds.

Clicking through a PowerPoint presentation and pointing to a 173-page watershed management plan, Wirth said, "As you can see, we were able to obtain a lot of data." The plan can be read at [[HYPERLINK](http://siteencore.com/cnhi/crossvillechronicle/loading.html)

"http://siteencore.com/cnhi/crossvillechronicle/loading.html" \l "rotftwetu=aHR0cCUzQS8vd3d3LmJhdGVzdmIsbGV0ZXJhbGR0cmliW5lLmNvbS9uZXdzL2xvY2FsX25ld3Mvd2F0ZXJzaGVkLXBsYW4tYXBwcm92ZWQtYnktZXBhL2FydGljbGVfNmEwNjdkYWQtNDNhOS01MWEwLTNmNzgtYTczYmUzNTBkMWYyLmh0bWw%3D&ibothsahrtd=aHR0cCUzQS8vd3d3LmRlYXJib3JuY291bnR5d2F0ZXJza"].

The staffers and committee members educated the public in a variety of ways. In addition to three meetings, articles were published in local newspapers and nine project presentations were given at Ag Days in Franklin and Dearborn counties. Attendees at county fairs checked out watershed information and displays and played a trivia game.

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Eight events throughout the entire watershed were held, including a grazing and cover crop field day in Oldenburg. Five trash cleanup events also took place. Watershed signs labeling the streams were posted and storm drain markers throughout Harrison and West Harrison were installed.

The management plan, approved by the U.S. Environmental Protection Agency in August, describes and analyzes the watershed, identifies concerns and has priority areas and goals for improvement. It includes the project's history, partners and stakeholders, best management practices and suggested future activities.

Ten subwatersheds, including the headwaters of Blue Creek and Wolf Creek, are within the 487 miles of streams throughout the watershed.

Roughly 49 percent of the watershed is classified as highly erodible and is at severe risk of erosion, the coordinator reported.

"Almost 95 percent of the watershed has soils that have very limited septic capabilities." Wirth pointed out that poses a problem because the area is mostly rural and some areas lack sewer service.

The biggest land uses are forest, 39.5 percent; crops, 29.3 percent; and pasture/hay, 19.3 percent.

Endangered species on state and federal lists live in the watershed: two mammals, three fish, three reptiles and amphibians, nine birds, five mollusks, three insects and six plants.

Nineteen facilities within the watershed have permits for discharging into its streams. "A few of them have histories of violations," but most seem to be complying better, she felt.

This year IDEM reported the bacteria *E. coli* was found in 205 stream miles; too much polychlorinated biphenyl, which causes cancer in animals and is a probable human carcinogen, in 38 miles; and excessive mercury in 34 miles.

Almost 13 miles of Blue Creek was impaired due to *E. coli*, for instance. Wirth listed some of the causes: overgrazed pasture, animal access to streams and heavy tillage.

The project was originally funded for 27 months, but the group obtained another grant for implementation.

Project leaders have six goals:

- Soil erosion and sedimentation must be reduced so current water quality conditions are protected or improved by 2030. This would include decreasing the sediment load by 15 percent (5,700 tons) in the first three years; 30 percent in six years; then 45, 60 and 75 percent in 15 years.

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- Nutrients need to be reduced within the watershed. The plan stated, “Currently 64 percent of our testing sites exceed the target for nitrogen and 72 percent ... exceed the target for phosphorus.”
- “The overall goal is to reduce E. coli concentrations throughout the watershed not only to meet water quality standards, but to have the impaired stream segments (205 miles) delisted.”
- Education is needed “on how individual choices and activities impact the watershed,” Wirth pointed out. “We would like to create a Friends of the Whitewater River Watershed group and start an annual festival within five years.” The plan also recommends restrooms and a nature center be added within 15 years to improve the river’s enjoyment and use.
- Aquatic organisms’ diversity and populations have been declining and are impaired in some watersheds. Because of the rich biodiversity in the Whitewater Watershed, maintaining the high quality in some areas is crucial, the plan said. “We want to protect and enhance critical habitat” to help rare, threatened and endangered species.
- Litter and trash must be lessened because items could contain hazardous materials that can cause adverse effects on water quality.

Now the technical coordinator is finalizing plans to use \$200,000 in grant funding on a cost-share program to install best management practices in high-priority areas.

Possible projects are fencing, watering systems, hay/pasture plantings, filter strips, riparian buffers and cover crops. She said the owner would pay part of the cost with the grant funding the majority. Wirth should provide details soon. Persons with questions may reach her at 812-926-2406, Ext. 107; or [[HYPERLINK "mailto:heather.wirth@in.nacdn.net"](mailto:heather.wirth@in.nacdn.net)].

Debbie Blank can be contacted at [[HYPERLINK "mailto:debbie.blank@batesvilleheraldtribune.com"](mailto:debbie.blank@batesvilleheraldtribune.com)] or 812-934-4343, Ext. 113.

[[HYPERLINK "http://www.wfyi.org/news/articles/group-of-northeastern-states-wants-epa-to-add-indiana-to-list-of-smog-contributors"](http://www.wfyi.org/news/articles/group-of-northeastern-states-wants-epa-to-add-indiana-to-list-of-smog-contributors)]

Group Of Northeastern States Wants EPA To Add Indiana To List Of Smog-Contributors

[[HYPERLINK "http://www.wfyi.org/news/authors/associated-press"](http://www.wfyi.org/news/authors/associated-press)]

ALBANY, N.Y. (AP) — New York and five other Northeastern states are suing federal regulators to force them to help ensure that upwind states control their pollution.

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The suit against the Environmental Protection Agency was filed Thursday in Manhattan and has been joined by Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont.

They want a federal judge to force the EPA to add nine more states to the group required by law to act together to reduce smog in the Northeast.

By statute, the region consists of those six states plus Delaware, Maine, Maryland, New Jersey, Pennsylvania and the District of Columbia.

The smog-contributing states they want included are Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia, West Virginia and North Carolina.

An EPA spokeswoman says the agency will review and respond to the lawsuit.

[HYPERLINK "<http://www.thetimesherald.com/story/news/local/st-clair/2016/10/04/cargill-fined-70k-epa-permit-violation/91490348/>"]

Cargill fined \$70K for EPA permit violation

[HYPERLINK "<http://www.thetimesherald.com/staff/41795/jackie-smith/>"], Times Herald 11:45 a.m. EDT October 4, 2016

A company operating a salt extraction facility in St. Clair faces a \$70,000 fine after violating testing requirements spelled out in a federal permit.

Cargill Salt operates 11 salt solution mining wells named in the case and is being penalized for late testing and failing to notify the U.S. Environmental Protection Agency once its noncompliance was discovered.

The permit requires the underground injection control wells be tested every five years to make sure their “mechanical integrity” is intact.

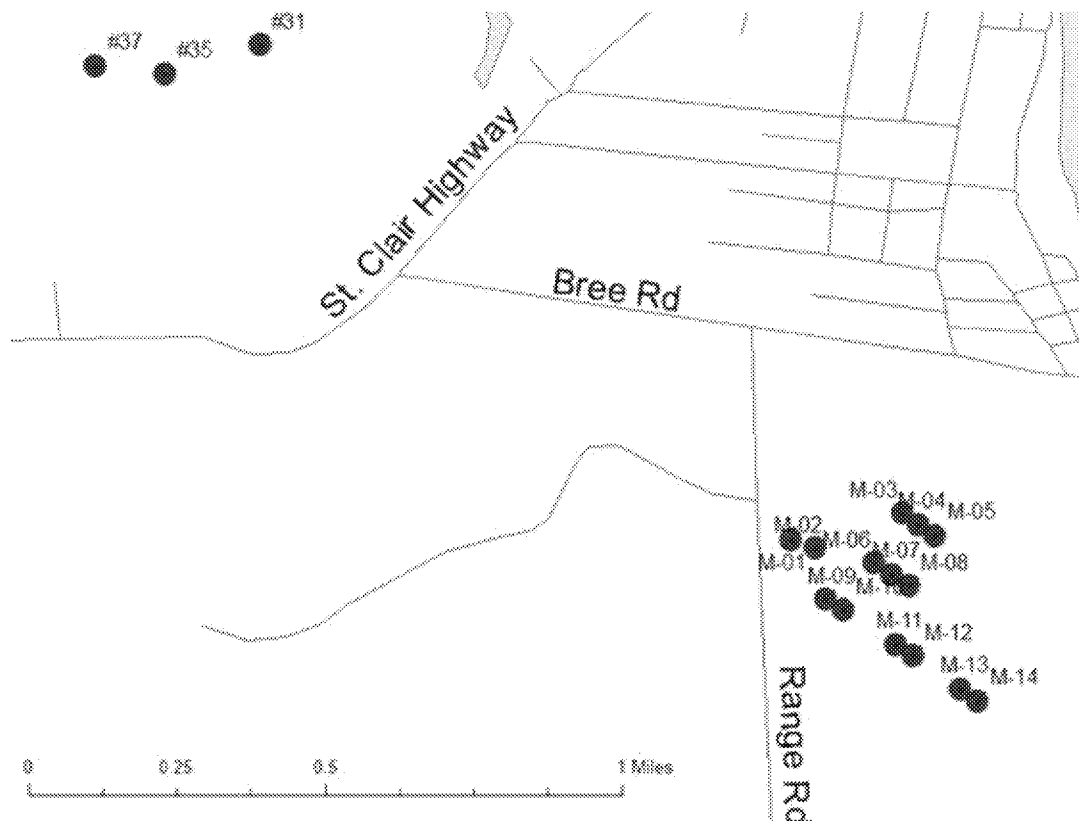
Test results must be submitted to the EPA within 60 days, but according to the agency, the tests were run between one month and two years late. The tests had been due between June 2013 and November 2014.

“There’s always concern that if a well fails that a drinking water source would get contaminated. That’s why these tests are run,” said Ray Urchel, an enforcement officer with EPA’s Region 5 safe drinking water underground injection control program.

The Safe Drinking Water Act requires the EPA to monitor injection of fluids into wells, and Cargill’s violation falls under a section of that act. The company’s operations in St. Clair are in close proximity to both the Pine and St. Clair rivers.

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As part of their mining process, Cargill spokesman Mark Klein said the company sends water underground, bringing up saturated brine from the salt layer before evaporating the water.



Cargill is being fined \$70,000 for violating testing requirements in its underground injection control permit through the EPA. (Photo: U.S. Environmental Protection Agency)

"The delays were due in part to damage to some of the testing equipment," he said in an email. "After the equipment was repaired, the wells passed the tests and had good integrity, and the reports were submitted to the agency."

"Cargill takes the responsibility for testing the wells and reporting seriously, and we have instituted steps to prevent any future reporting deficiencies."

Urchel said the EPA officials noticed in their record keeping that Cargill's tests were late nearly two years ago. The agency reached out "to check status," he said, in January 2015.

"We (were) promised they would be coming shortly thereafter. Weeks went by, and we got nothing," he said. Then two months later, the EPA sent the company a letter that, he said, "seemed to capture the proper people's attention."

Urchel said the last tests, which showed the wells operating appropriately, were received by April that year and that the company is now in full compliance. "We're

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satisfied with a settlement amount. The company has moved very cooperatively,” he said.

A public comment period is underway through 4 p.m., Central Time, Oct. 17 for those looking to submit concerns in writing to the EPA.

A hearing is also scheduled that day; however, EPA spokeswoman Anne Rowan said with the fine and settlement, they “can’t anticipate it would necessarily go forward.”

Ten days after the end of the comment period, the proposed consent agreement and final order will become official.

The EPA also plans to modify the Class III area permit for Cargill. It allows for 15 injection wells for salt solution mining.

Its permit first was issued for that purpose in 1992. The proposed changes would specify which wells are inactive and the list of authorized wells and update steps in the testing process.

Urchel said the violation is considered to be “very significant” because of the potential issues that could come “if a well is not demonstrated to have proper mechanical integrity.”

He called the tests a core part of their program.

Contact Jackie Smith at (810) 989-6270 or [[HYPERLINK "mailto:jssmith@gannett.com"](mailto:jssmith@gannett.com)]. Follow her on Twitter @Jackie20Smith.

[[HYPERLINK "http://m.lacrossetribune.com/news/local/epa-review-of-wisconsin-s-pollution-could-bring-changes/article_663f9cbf-b553-574c-ac18-dc33a9b6728d.html"](http://m.lacrossetribune.com/news/local/epa-review-of-wisconsin-s-pollution-could-bring-changes/article_663f9cbf-b553-574c-ac18-dc33a9b6728d.html)]

EPA review of Wisconsin's pollution could bring changes

- STEVEN VERBURG Wisconsin State Journal
- Oct 10, 2016

The EPA is investigating Wisconsin’s efforts to clean up lakes and streams, including its enforcement of legal limits on bacterial and nutrient pollutants that are limiting use of a growing list of public waters.

Bottom of Form

MADISON — Federal regulators plan to spend four days this week in the Madison headquarters of the state Department of Natural Resources paging through files on state enforcement of water pollution laws.

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Technically, the U.S. Environmental Protection Agency probe is aimed at determining whether the federal government should take the extreme step of revoking the state's authority for enforcing those the laws in Wisconsin.

But typically states make changes to avoid the embarrassment of being stripped of their environmental authority, said Emily Hammond, a George Washington University law professor who co-authored a study of federal investigations like the one now targeting Wisconsin.

"There does seem to be, even in conservative states, kind of a matter of pride that they would rather keep it in their control rather than have it be taken over by the federal government," Hammond said.

The "shaming" generated by the threat can motivate elected officials and provide them with political cover to make changes they view as unpopular with some constituents, Hammond and her co-author, Florida State University law professor David Markell, wrote.

"'Shaming' was the best word we could find," Hammond said last week. "It's a strange dance, but somehow the threat and the possibility that the state program could be taken over does seem to prompt action."

Hammond's 2013 study and EPA records show that in the last 30 years the EPA has investigated withdrawing states' pollution authority at least 68 times as a result of petitions filed by citizen groups.

[HYPERLINK "<https://www.epa.gov/sites/production/files/2016-07/documents/wi-lar-status-20160728.pdf>" \t "_blank" \o "<https://www.epa.gov/sites/production/files/2016-07/documents/wi-lar-status-20160728.pdf>"] has withdrawn authority from states, but never as the result of a petition-driven investigation, Hammond and Markell found.

They said petitioners were often frustrated because it took an average of more than four years to resolve complaints. The EPA website last week listed three still pending more than 15 years after they were filed.

So far, the Wisconsin case is moving more quickly than most, probably because it is based largely on previous citizen complaints and EPA scrutiny that produced [HYPERLINK "http://host.madison.com/epa-letter-on-deficiencies/pdf_f1265a88-1aee-5ccc-80c2-d8bee18fe43a.html" \t "_blank" \o "http://host.madison.com/epa-letter-on-deficiencies/pdf_f1265a88-1aee-5ccc-80c2-d8bee18fe43a.html"] within two years, Hammond said.

The EPA [HYPERLINK "<https://www.epa.gov/sites/production/files/2016-07/documents/wi-lar-status-20160728.pdf>" \t "_blank" \o "<https://www.epa.gov/sites/production/files/2016-07/documents/wi-lar-status-20160728.pdf>"] [HYPERLINK "<https://www.epa.gov/sites/production/files/2016-07/documents/wi-lar-status-20160728.pdf>" \t "_blank" \o "<https://www.epa.gov/sites/production/files/2016-07/documents/wi-lar-status-20160728.pdf>"] [HYPERLINK "<https://www.epa.gov/sites/production/files/2016-07/documents/wi-lar-status-20160728.pdf>"]

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"https://www.epa.gov/sites/production/files/2016-07/documents/wi-lar-status-20160728.pdf"]

Another factor that could help EPA move quickly is a [HYPERLINK

"http://host.madison.com/wsj/news/local/environment/new-questions-raised-on-how-wisconsin-will-protect-lakes-drinking/article_042bd0be-0956-5000-b6ca-7b3c38e4befc.html" \t "_blank" \o

"http://host.madison.com/wsj/news/local/environment/new-questions-raised-on-how-wisconsin-will-protect-lakes-drinking/article_042bd0be-0956-5000-b6ca-7b3c38e4befc.html"] of waste water released by industry, sewage treatment plants and animal feedlots, she said.

EPA spokeswomen in Washington and the agency's regional office in Chicago didn't respond when asked if investigators had reviewed the audit.

Pollution permit review

Starting Tuesday, a team of four EPA employees will scrutinize files related to 47 water pollution permits DNR has issued, Chicago-based spokeswoman Anne Rowan said.

The files can run into thousands of pages, including engineering reports and technical documents with correspondence that refers to complex regulations and laws. Rowan said file reviews are done by attorneys, environmental scientists and engineers at the direction of the regional office's water pollution discharge branch.

A DNR spokesman described the EPA review as standard procedure.

"We look forward to meeting with the EPA representatives and talking with them about how we take our obligations under the Clean Water Act seriously and are taking steps to address the various issues before us," spokesman Jim Dick said.

Hammond said petitions for withdrawal of federal authority are considered a last resort by the conservation groups that most frequently file them.

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The nonprofit has taken the DNR to court over water pollution permits issued to concentrated animal feeding operations like the ones in Kewaunee County where about one-third of tested drinking water wells are contaminated by bacteria associated with manure.

The EPA has issued a seven-page plan for investigating issues MEA raised in its petition.

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In addition to reviewing permits for adherence to federal laws limiting pollutants, the EPA is examining state laws and state budget decisions that MEA says have prevented the DNR from doing its job.

Wisconsin law shuts citizens out of decisions on enforcement of anti-pollution laws by allowing the state to finalize a negotiated settlement with polluters without opportunities for public comment on the penalties, MEA attorney Tressie Kamp said.

Another law limits challenges to the terms of pollution permits. It has an especially strong effect in sparsely populated rural areas around animal feedlots that produce millions of gallons of manure annually, Kamp said. Residents can't challenge provisions of a pollution permit they think threatens water quality unless five or more people sign on.

Another statute, Act 21 of 2011, rolls back the authority of state agencies like DNR to write administrative rules that spell out details of how laws are put into action.

Act 21 prompted the DNR to stop considering the cumulative impact of high-capacity wells that have been linked to lakes and streams drying up. The law also prompted DNR to disregard an administrative law judge's order calling for limits on the size of a CAFO and monitoring of ground water for pollutants because those specific permit conditions aren't listed in state law.

And rulemaking now usually takes years because of business-impact surveys that must be conducted and new powers given to the governor to approve or prevent adoption.

The DNR hasn't used a faster emergency rulemaking option to speed up action on the deficiencies EPA listed in 2011, and the department has generally assigned higher priority to other matters, Kamp said.

Hammond said state laws that aren't consistent with federal requirements designed to encourage citizen participation have often been dealt with swiftly by the EPA, with blunt letters written to elected officials.

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EPA officials sometimes meet with representatives of the governor's office or the state attorney general when changes in state statutes are needed, Hammond said.

Spokesmen for Gov. Scott Walker, Attorney General Brad Schimel and the state Department of Justice said their offices haven't been in communication with EPA.

"DOJ has not been communicating with EPA and will not be meeting with them," Schimel's spokesman Johnny Koremenos said.

State Senate Majority Leader Scott Fitzgerald, R-Juneau, hasn't heard from EPA, but he is open to making statutory changes if they are needed to make state laws consistent with federal law, his spokeswoman Myranda Tanck said Friday. She said Fitzgerald wouldn't comment on the DNR budget before seeing Walker's proposal, which is due early next year.

Staffing an issue

The state audit of DNR waste water programs found that inadequate staffing was behind many problems. Elected officials have eliminated 15 percent of the department's full-time staff in the last two decades.

Last month DNR Secretary Cathy Stepp proposed [[HYPERLINK](http://host.madison.com/wsj/news/local/environment/cost-of-forestry-move-and-dnr-cuts-are-questioned/article_158e45d8-cfc8-58e3-b397-71ab4122c6ae.html)

"http://host.madison.com/wsj/news/local/environment/cost-of-forestry-move-and-dnr-cuts-are-questioned/article_158e45d8-cfc8-58e3-b397-71ab4122c6ae.html" \t "_blank" \o

"http://host.madison.com/wsj/news/local/environment/cost-of-forestry-move-and-dnr-cuts-are-questioned/article_158e45d8-cfc8-58e3-b397-71ab4122c6ae.html"] waste water pollution or in [[HYPERLINK](http://host.madison.com/wsj/news/local/environment/new-questions-raised-on-how-wisconsin-will-protect-lakes-drinking/article_042bd0be-0956-5000-b6ca-7b3c38e4befc.html) "http://host.madison.com/wsj/news/local/environment/new-questions-raised-on-how-wisconsin-will-protect-lakes-drinking/article_042bd0be-0956-5000-b6ca-7b3c38e4befc.html" \t "_blank" \o "http://host.madison.com/wsj/news/local/environment/new-questions-raised-on-how-wisconsin-will-protect-lakes-drinking/article_042bd0be-0956-5000-b6ca-7b3c38e4befc.html"].

The EPA considers its current investigation informal. The last time the state faced loss of authority over a pollution program, the EPA won the cooperation of Wisconsin's elected officials only after putting them on formal notice.

In 2002, conservation groups petitioned the EPA about flaws in Wisconsin's air pollution program.

In that case, EPA and conservation groups said elected officials had failed for at least six years to follow federal laws requiring that businesses be charged air pollution permit fees that covered the state's costs.

Without adequate revenue, the DNR couldn't hire enough staff and businesses weren't being held to legal limits for harmful air emissions.

"Because of the threat of (loss of authority), the Legislature did respond by increasing fees," said George Meyer, who was DNR secretary at the time. "We used this before the Legislature to show what was needed."

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The EPA issued a formal Notice of Deficiency, which carried the threat that the state would lose federal highway funds in addition to withdrawal of its authority over the air pollution program.

It was one of four times that citizen petitions have prompted initiation of withdrawal proceedings, Hammond said.

Fees were increased in the budget enacted in 2005.

[[HYPERLINK "https://www.wbez.org/shows/curious-city/from-rails-to-trails-the-economic-impact-of-chicagos-repurposed-railways/cdec603-ca8d-4b4f-827d-82dfc7ee8a02"](https://www.wbez.org/shows/curious-city/from-rails-to-trails-the-economic-impact-of-chicagos-repurposed-railways/cdec603-ca8d-4b4f-827d-82dfc7ee8a02)]

From Rails to Trails: The Economic Impact of Chicago's Repurposed Railways

Sean Kennedy

October 2, 2016

[[HYPERLINK "https://www.wbez.org/shows/curious-city/from-rails-to-trails-the-economic-impact-of-chicagos-repurposed-railways/cdec603-ca8d-4b4f-827d-82dfc7ee8a02"](https://www.wbez.org/shows/curious-city/from-rails-to-trails-the-economic-impact-of-chicagos-repurposed-railways/cdec603-ca8d-4b4f-827d-82dfc7ee8a02)] [[HYPERLINK "https://www.wbez.org/shows/curious-city/from-rails-to-trails-the-economic-impact-of-chicagos-repurposed-railways/cdec603-ca8d-4b4f-827d-82dfc7ee8a02"](https://www.wbez.org/shows/curious-city/from-rails-to-trails-the-economic-impact-of-chicagos-repurposed-railways/cdec603-ca8d-4b4f-827d-82dfc7ee8a02)]

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Sean Kennedy/WBEZ

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Bikers and runners speckle The 606, the railway-turned-"greenway" on Chicago's North Side.

Logan Square resident Patrick Singler loves the view of Chicago you can get 18 feet above city streets.

Where he does that is significant, and you've probably heard about it. It's the Bloomingdale Trail, though most people probably know it as The 606. The two-and-a-half-mile elevated trail passes near his house as it stretches across the North Side, from Bucktown to Humboldt Park.

Patrick says he finds every opportunity to enjoy The 606 with his wife and his daughter, Caroline. "Even before Caroline was born, my wife and I would walk out here," he says.

He's not the only one to notice the view. Since it fully opened in mid-2015, The 606 quickly became one of Chicago's highest-profile parks.

But its roots are much deeper than that. The trail itself was once a railroad, with its rail bed set down shortly after the Chicago Fire. It was designed to haul supplies needed to rebuild the city.

By the mid-1990s, trains had slowed, then stopped. The land sat vacant for a decade before [[HYPERLINK "https://www.wbez.org/shows/wbez-news/the-bloomingdale-trail-the-making-of-chicagos-premiere-linear-park/07d5b7c6-cdd1-4892-a9a4-93128f8f2b53"](https://www.wbez.org/shows/wbez-news/the-bloomingdale-trail-the-making-of-chicagos-premiere-linear-park/07d5b7c6-cdd1-4892-a9a4-93128f8f2b53)].

Calling it a bike path doesn't really do The 606 justice; it's a linear park, with heavily landscaped gardens, swooping on-and-off ramps, and public art. It was immediately controversial, and opponents of the trail said it would cause rampant gentrification.

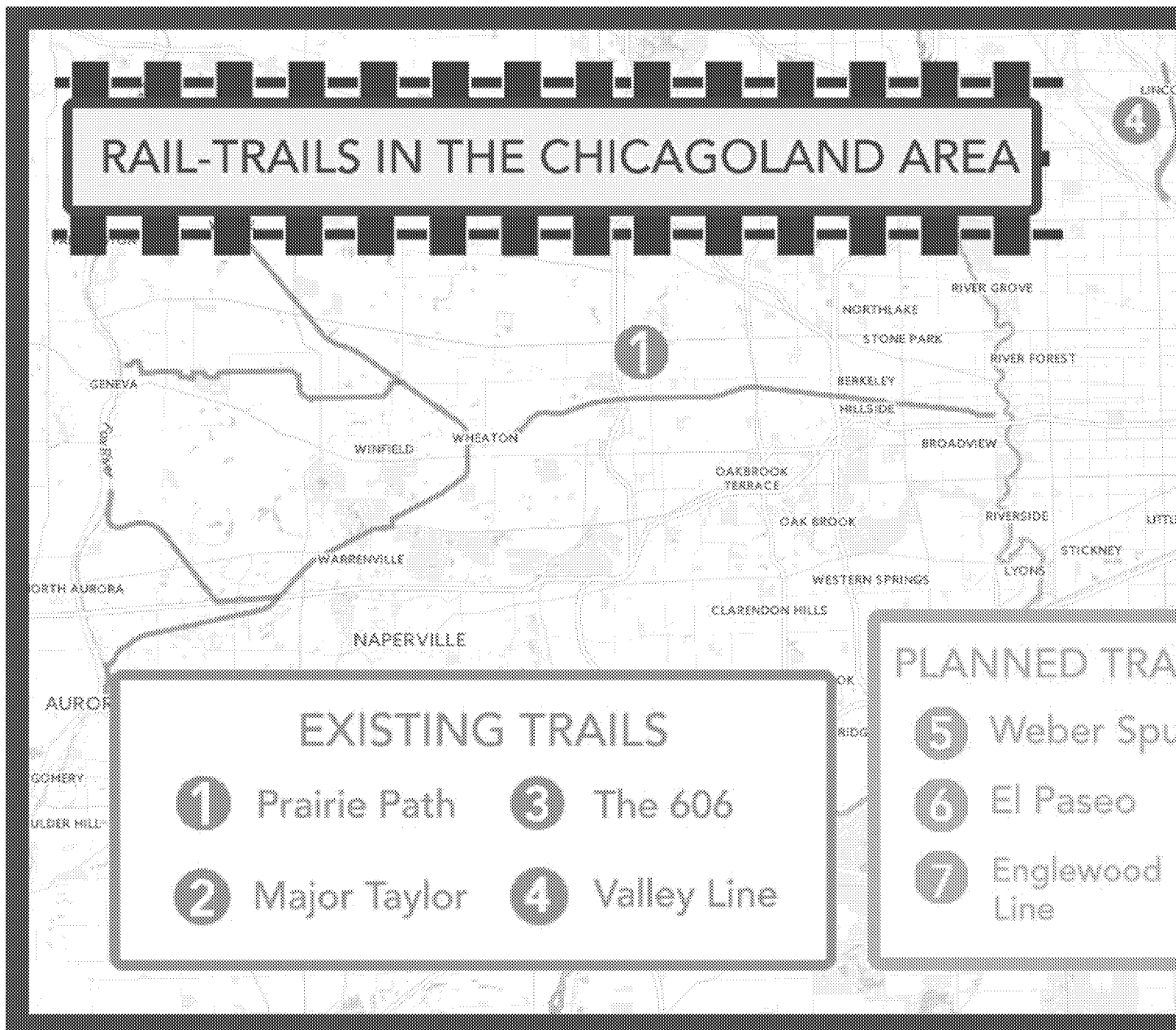
Which explains why Patrick's wants Curious City to take on the question half the city is asking: "I'm curious about what impacts this rails-to-trails has." Specifically, can rails-to-trails conversions create economic booms large enough that longtime residents will be priced out?

As much talk as we've heard about The 606, *these* types of urban rail-trails haven't been studied much. So, for answers we'll start with what we can learn from the suburban experience with rails-trails. Then — don't worry! — we'll return to break ground on some new, but less-settled data specific to The 606.

The skinny: It turns out that urban rail-trails have a pretty surprising relationship with gentrification and urban renewal.

It's the economy, stupid

Illinois happens to be a great place to study rails-to-trails conversions. It's home to the very first rails-to-trails conversion — the granddaddy of 'em all — the Illinois Prairie Path. Since the Prairie Path started in 1963, 850 miles of railroad tracks across Illinois have started a new life as bike paths and running trails.



Katherine Nagasawa/WBEZ

A few years ago, the organization [[HYPERLINK "http://www.trailsforillinois.org/"](http://www.trailsforillinois.org/)] studied six trails in the state, most of them rail conversions. The group found two big economic benefits of such projects, the first being new visitors' effect on local retail.

Executive director Steve Buchtel says the impact can be significant. On trails like Prairie Path, for example, that can add up to nearly \$1.5 million in annual revenue. The study suggests that 35 percent of trail users reported making some kind of retail purchase

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during their visit, and the path receives more than 122,000 visitors per year. Translation: When a visitor spends any money at all, they're dropping something like \$35.

"It's for beer, it's for candy bars, and energy bars, and Gatorade and stuff," Buchtel says. "Beneficiaries are bars, restaurants, and convenience stores and stuff. That's most of the purchasing but, still, it's substantial."

In the past few years, towns have realized the economic potential of rail-trails and now cater to them.

"The reports have helped people to consider the trail user, not just as the jogger or the cyclist, but somebody who has a credit card, you know?" Buchtel says.

For example — the south suburban town of Frankfort, which sits on the Old Plank Trail, started rebuilding strip malls so the entrances would face the trail.

It's part of a recent trail boom in the suburbs.

"The suburban area in Chicago is ridiculously competitive. Everybody's hard-up against the town that wants to eat their lunch," Buchtel explains. "Since trails are hot, suburban communities are hot for trails because, 'Oh my god, they're getting a trail? We better get a trail, right?'"

More bang for your real estate buck

Rails-to-trails conversions' economic impact extends beyond retail to property values.

In the early days, neighbors feared that rails-trails would bring strangers and criminals into their backyards and property values would plummet.

But the numbers told a different story. [[HYPERLINK "https://www.railstotrails.org/resourcehandler.ashx?id=4482"](https://www.railstotrails.org/resourcehandler.ashx?id=4482)] performed by researchers at the University of Delaware showed the prices of homes on a trail jumped by 9 percent. [[HYPERLINK "http://brucefreemanrailtrail.org/wp-content/uploads/2011/03/Hilfer-Impact-of-Rail-Trails-on-Property-Values.pdf"](http://brucefreemanrailtrail.org/wp-content/uploads/2011/03/Hilfer-Impact-of-Rail-Trails-on-Property-Values.pdf)] found that homes within a quarter mile of a bike path commanded higher prices and sold almost twice as fast as those further from the trail.

One study after another shows the same thing: statistically significant bumps in property values for homes within a quarter mile of a bike path.

Remember, Patrick's question is about urban rail-trails. Rising home values are almost always a boon to a suburb; in cities, though, increasing property values lead to fears about displacing people. The 606 has spurred some of those fears.

DePaul University's Institute for Housing Studies has been studying effects on the adjacent housing market since The 606 opened a year ago. Specifically, the

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department's been looking at home sales and valuations within about a half mile of the trail.

The 606 strings together a diverse range of neighborhoods. The condo-dense, higher-income Bucktown neighborhood on the east end of the trail gives way to low-to-moderate-income households farther west.

"We definitely saw values go up, especially on the western end of the trail," says executive director Geoff Smith. And that's had some complicated results.

"Property values are going up, and you'd think that's a great thing," he says. "For most people it is. But it's a double edged sword, because - 'Hey great, my property is worth 20, 30 percent more than it was 2 or 3 years ago, but now I have to pay taxes on that higher value.' And for seniors and other people on fixed incomes, that can be a challenge."

Still, Smith doesn't think The 606 is exclusively to blame.

"Gentrification was probably going to happen in that area at some point," he says. "You can see that the neighborhood in that area was already in the process of changing. But what The 606 did was it created an amenity in that area that attracted demand for housing and accelerated that process."

Smith says the trail's biggest impact has been within a block of the trail.

"You see people wanting to build multi-family properties right near the trail," he says. "That might not have happened, because why would you locate your multiunit property right next to an abandoned rail line?"

Location, location, location

So there's a risk that building a new trail will displace or strain the very people it was meant to serve. But even in an urban setting, that doesn't always happen.

Take the Major Taylor Trail, which stretches through the South Side neighborhoods of Auburn-Gresham, Beverly, and Roseland. It's been around since 2007. While city planners don't call The 606 a bike path — it's considered a "linear park," with lush greenery and public art — the Major Taylor is very much a normal bike path with few amenities. The 606 has 24-hour lighting, snow removal, and roving security. The Major Taylor is lucky to get its potholes filled and broken glass swept.

"Most of the neighborhoods where the Major Taylor Trail is are low-to-moderate income, low density, and not the kind of neighborhoods where you get a big, splashy project like [The 606]," she says.

The Major Taylor hasn't been studied the way The 606 has, so Alt can only guess as to the economic impact. She thinks it's modest, at best. For starters, it's tougher for residents and potential riders to spot the Major Taylor; its tree-lined path is surprisingly

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secluded for an urban bike path. The elevated 606, on the other hand, is highly visible. Plus, the Major Taylor doesn't connect to the city the same way The 606 does.

"If it feels isolated and you don't have a visual connection to nearby business districts, it doesn't matter if it's only a block away," Alt says. "People don't see it."

She says the neighborhood might even welcome a little gentrification.

"I was talking to someone recently on a ride on the trail," Alt says, "and we stop, and we look, and there's a boarded-up house, a vacant lot, an empty business. Talking with people I know here in the neighborhood, I think a lot of people would welcome *any* kind of economic development."

Looking down the trail

So in the end, the answer to Patrick's question is not so simple. The evidence suggests rails-trails spur local retail and generally increase property values in rural and suburban areas. But in the urban environment, the degree of that increase very much depends on how fancy the project is, and where it happens.

Yes, in an already gentrifying neighborhood like Wicker Park, The 606 might be putting a strain on some residents. But in the area near the Major Taylor, it seems to have barely made an impression at all — at least not one that's easily measured.

Jamie Simone, interim director of the [[HYPERLINK "https://www.tpl.org/" \t "_blank"](https://www.tpl.org/)], has an ambitious solution.

"If all neighborhoods and all communities had equal access to parks, then there wouldn't be this difference in quality of neighborhoods, at least as far as parks go," she says.

Simone's organization spearheaded construction of The 606, and she thinks every neighborhood should have safe and beautiful parks and trails. Outspoken residents who agree with her are making progress. For example, a new linear park called "El Paseo" is underway in Pilsen, with a similar project in Englewood in the planning stages. There's talk of building out the Weber Spur, an abandoned rail bed on the Northwest Side.



Jesse Dukes/WBEZ

The planned El Paseo line will span Pilsen and Little Village and include community spaces, gardens and public art celebrating Latino culture.

Those are the only rails-trails projects under consideration in Chicago right now, but our questioner, Patrick Singler, is glad to smell the hint of a trend.

"I just want to see more of these in Chicago, because I know how wonderful it has been for the residents of Bucktown, Logan Square," he says. "Everybody deserves something like this. You know, not just people who can afford a nice house."

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[[HYPERLINK "http://www.insidesources.com/illinois-congressman-visits-puerto-rico-to-see-landfill-crisis-up-close/"](http://www.insidesources.com/illinois-congressman-visits-puerto-rico-to-see-landfill-crisis-up-close/)]

Illinois Congressman Visits Puerto Rico to See Landfill Crisis Up Close

Posted to [[HYPERLINK "http://www.insidesources.com/category/energy/"](http://www.insidesources.com/category/energy/) \o "Energy"] October 06, 2016 by [[HYPERLINK "http://www.insidesources.com/author/kyleplantz/"](http://www.insidesources.com/author/kyleplantz/) \o "Posts by Kyle Plantz"]

- [[HYPERLINK "javascript:void\(0\)"](javascript:void(0))] SAN JUAN, P.R. – When Rep. Luis Gutierrez pulled up to a house in the Candelaria neighborhood of the Toa Baja municipality in Puerto Rico, you wouldn't have recognized him as a congressman. He was wearing a light pink, short-sleeved button-up shirt with black dress pants, loafers — not his typical suit attire he's used to wearing in Washington D.C. with a pin identifying him as a member of Congress.

But Gutierrez is not the representative for Puerto Rico. He's a Democrat from Illinois' 4th Congressional District in Chicago, which has a significant Puerto Rican and Mexican constituency. Gutierrez is of Puerto Rican heritage and lived on the island during his high school years.

Gutierrez wasn't campaigning when he went to the outskirts of San Juan, P.R. on Tuesday. He attended a community meeting with Toa Baja residents and environmental group advocates to discuss the landfill crisis and to see how it's impacting people with his own eyes.

"It's not unusual to have a congressman at a community hearing," said Mark Magaña, president and CEO of GreenLatinos, a Latino environmental and conservation group, during the meeting. "He's spent his whole career fighting for people and he's a proud Puerto Rican. He is known as someone who will get dirty, get arrested, and speak to the president as he would you or I. It doesn't surprise me at all that he's here."

He mostly sat in a plastic chair during the meeting, listening intently to the 20 residents and activists list the ongoing problems with the landfills and asking questions occasionally to better understand the situation.

"This is my island and one day, I want to come back here," he told reporters in Spanish after the meeting. "But there needs to be a place to come back to. I wanted to see with my own eyes what was going on here and to tell the people they are not alone. I care that the people here don't have the same quality of life as the people in Chicago. That's not right."

The municipalities and companies that run these landfills are not properly maintaining the site and have broken several federal regulations put in place by the Environmental Protection Agency, according to residents and environmental activist groups.

Puerto Rico Limpio, a citizen's action group for safe trash disposal, published a [[HYPERLINK "http://www.insidesources.com/puerto-ricos-environmental-crisis-that-no-one-is-](http://www.insidesources.com/puerto-ricos-environmental-crisis-that-no-one-is-)

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talking-about/"] in August that said 19 out of the 27 active landfills in Puerto Rico are non-compliant with federal rules and the EPA has ignored these problems.

In 1994, the EPA gave Puerto Rico's Environmental Quality Board local control over the landfills. Then, without EPA approval, the EQB changed some of its rules and regulations to make it easier and more profitable to dump trash at the landfills.

When the EPA found out about it in 2005, they threatened to take control away from the EQB if they did not bring their landfills into compliance. To this day, many of the landfills are over capacity and are not following EPA rules, such as requiring a plastic lining between the garbage and the soil, covering the trash each night and properly maintaining leachate lakes — the dirty water runoff from the trash.

"The municipalities and landfills are located in low-income, rural and low-educated areas," said Hiram Torres Montalvo, cofounder of Puerto Rico Limpio. "We exposed them and everyone can see that this landfill [Toa Baja] should be closed today. It's time for [EPA Administrator] Gina McCarthy to end the dereliction of duty to the people of Puerto Rico."

The EPA announced last week that they would close the Cayey and Arroyo landfills in Puerto Rico within two to three years. Torres Montalvo said those closures aren't enough and the EPA is just making false promises again. Several other landfills were supposed to have closed in previous years, but they remain operational today.

Adelaida Gonzalez lives in the home where the meeting took place. She said she lived there for 44 years and the landfill has been there for 30 years. When they started to build it, she voiced her concerns to authorities, but no one seemed to listen.

"The smell of the landfill was really unbearable for over a year," she said in Spanish. "It is almost impossible for us to live here. Mosquitoes at night are alarming due to the Zika virus. We do not know what to do. Some of the people here have cancer and it's not helping."

How the landfills are affecting people's health is one of the greatest concerns of environmental advocates. There has been virtually no testing on air quality or water contamination from seepage leaking into communities drinking water supply, the group alleges.

After the meeting, Gutierrez went to the fence to see the landfill up close. There were trucks bringing in more garbage to dump and other trucks were moving the trash around. A small leachate lake, of dirty trash water, was visible near the fence and could create the perfect breeding grounds for mosquitoes and the Zika virus.

The Centers for Disease Control diagnosed about 16,000 Puerto Ricans with Zika, including at least 1,000 pregnant women. For expecting mothers, the concern with Zika is that their babies could be born with the birth defect microcephaly, which causes infants to be born with shrunken heads and other health issues.

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As many as [[HYPERLINK "http://www.accuweather.com/en/weather-news/puerto-rico-zika-crisis-at-least-1-in-4-may-become-infected-autumn-rainy-season/60094326"](http://www.accuweather.com/en/weather-news/puerto-rico-zika-crisis-at-least-1-in-4-may-become-infected-autumn-rainy-season/60094326)] may contract the Zika virus, which has spread at alarming rates.

Gutierrez also went to another side of the Toa Baja landfill, where the fence stops right near a resident's home. There is enough space between the end of the fence and the start of the mountain that people and animals can easily fit through it.

Trucks were passing by, dogs were playing in the trash and sewage water and the smell was significantly worse.

Gutierrez said the federal government should take back responsibility of the crisis.

"The government is failing the people of Candelaria," he said. "If you had to live next to this landfill, is the government really protecting them? I would have to say no. We have to tell the federal government to assume its responsibility to them."

Congress recently approved \$1.1 billion in federal funding to fight the Zika virus. It's unclear how they will spend it and how much Puerto Rico will receive to stop their outbreak.

And Congress also just passed in June the Puerto Rico Oversight, Management and Economic Stability Act, known as PROMESA (promise in Spanish), which aims to tackle the island's billions of dollars of debt.

But Gutierrez has been very outspoken about his disapproval of PROMESA, saying the appointment of a fiscal control board could lead to another Flint, Mich. water crisis.

"You can see the manipulation. It's a pretty word, but if they aren't going to take responsibility of it, then what's the point?" he said. "When I make a promise, it's for something good, not bad. You should have the same standards as they do in Chicago. It just doesn't make sense."